Positive Support Community of Practice

6/10/14

2014 Legislative Session Updates
Purpose of PSCoP

Provide training and technical assistance on the new standards in 245D regarding positive support, emergency use of manual restraint and the creation of positive support transition plans.
June 10th Agenda

• Provide overview of legislation affecting 245D
• Focus on legislation affecting behavior interventions/positive support transition plans

Note: The session presenting the draft rule on positive supports has been postponed to Sept 2
Public Input Sessions

June 10\textsuperscript{th}; 10a-12p; Positive Support Community of Practice
June 24\textsuperscript{th}; 9a-12p
July 23\textsuperscript{rd}; 9a-12p
July 25\textsuperscript{th}; 1:30p-4:30p
July 29\textsuperscript{th}; 9a-12p
August 6\textsuperscript{th}; 9a-12p
August 12\textsuperscript{th}; 1:30p-4:30p
August 19\textsuperscript{th}; 1:30p-4:30p
Sept 2nd; 10a-12p; Positive Support Community of Practice
Overview of 2014 Legislative Session

HEIDI HAMILTON
DHS DISABILITY SERVICES DIVISION LEGISLATIVE LEAD
Q&A

Email your questions to:

positivesupports@state.mn.us
2014 Legislative Session

Summary of legislation pertinent to behavior interventions

- Amendment/expansion of rulemaking authority
- Creation of external program review committees
- Creation of interim review panel
- Comprehensive prohibition of prone restraint
- “Auxiliary device to ensure a person does not unfasten a seat belt” remains mechanical restraint.

House File 3172, Senate File 2785
Laws of Minnesota Chapter 312
New Minnesota Rule


The commissioner of human services shall, by August 31, 2015, adopt rules governing the use of positive support strategies, emergency use of manual restraint, and restricting or prohibiting the use of restrictive interventions, in all facilities and services licensed under 245D and in all licensed facilities and licensed services serving persons with a developmental disability or related condition...

Text: House File 3172, Amending M.S. 245.8251
Sources for Rule

- Rule 40 Advisory Committee Recommendations
- DHS Comprehensive Plan of Action
  - Tied to Jensen Settlement
  - Contains provisions related to new rule
- Recommendations from Dr. Fredda Brown
  - Court Monitor consultant
  - Recommendations on gaps in Rule 40 Advisory Recommendations

Documents available on the Rule 40 Advisory Committee website
External Program Review Committee

• Review ‘emergency use of procedure’ requests
  – Danger of injury due to self-injurious behavior
  – Procedures incorporated in PSTP
• Makes recommendations to DHS
• Commissioner has authority to approve use
• Interim review panel serves until creation
Interim Review Panel

• Created by August 15th, 2014
• Perform duties of the External Program Review Committee until rule promulgated

• Request process and format TBD
• Notifications will go out via e-list
Prohibition on prone restraint

• Under 245D, prone was prohibited only if used during the emergency use of manual restraint

• If included in a PSTP, could be utilized for maximum of 11-months
Implications

• Use of prone under any circumstances will be considered a violation of 245D after July 1, 2014

• PSTPs including the use of prone must be revised to exclude prone
Q&A

Email your questions to:

positivesupports@state.mn.us